

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 95-CR-135
(USCA No. 16-1803)

GREGORY WESLEY HAYES,

Defendant.

ORDER

Pro se Defendant Gregory Wesley Hayes filed an application to proceed without prepayment of filing fees and affidavit. (ECF No. 559.) Hayes states that he appeals this Court's Order dismissing his motion to modify (ECF No. 554).

A defendant may only proceed without prepayment of filing fees if the Court finds that he is indigent and that he is taking his appeal in good faith. 28 U.S.C. § 1915(a)(3). To find that an appeal is in good faith, a court need find only that a reasonable person could suppose the appeal has some merit. *Walker v. O'Brien*, 216 F.3d 626, 631-32 (7th Cir. 2000). On the other hand, an appeal taken in bad faith is one that is based on a frivolous claim; that is, a claim that no reasonable person could suppose has any merit. *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000).

To date Hayes has not filed statement(s) certified by the appropriate institutional officer(s) showing the receipts, expenditures, and balances in his institutional accounts for the last six months. Those statement(s) must be filed before this Court may resolve Hayes' application. (*See Application to Proceed without Prepayment of Filing Fees and Affidavit, 2.*)

If Hayes has not already done so, he must request such certified institutional account statement(s). Such statements must be filed with the Court no later than June 3, 2016.

SO ORDERED Dated at Milwaukee, Wisconsin, this 6th day of May, 2016.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge